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VIA CERTIFIED MAIL

Freedom of Information Officer
U.S. EPA Region 5 (MI-9J)
77 West Jackson Blvd.
Chicago, IL 60604-3590

RE: Freedom of Information Act

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I am requesting access to and copies of any and all documents that meet the following criteria, which is specified below.

We request information, including, but not limited to, documents in the possession of EPA, EPA's Office of Enforcement and Compliance Assistance, including but not limited to the Air Enforcement Division and the National Enforcement Investigations Center, and EPA's Office of Air Quality, Planning and Standards, including but not limited to data evaluated at Research Triangle Park and EPA regional labs, and information under the control of EPA through contractors from 1970 through 2003.

This request is submitted under both FOIA as well as Section 7414(c) of the Federal Clean Air Act. Section 7414(c) provides that "[a]ny records, reports or information obtained under [42 U.S.C. § 7414(a)] shall be available to the public" EPA has also determined that emissions data and related information are excluded from confidential treatment for any reason, including confidential business information. 40 C.F.R. § 2.301(e)-(f).

At the outset, and as you may know, President Obama has issued an executive memorandum instructing all federal agencies to adopt a presumption of disclosure when administering requests under FOIA:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. (Memorandum from President Obama to the Heads of Executive Departments and Agencies regarding the Freedom of Information Act [2009].)

Accordingly, we understand that the EPA will administer this FOIA request in compliance with the President's memorandum.

REQUESTED RECORDS

1. Any and all documents relating to any investigation or monitoring conducted by the United States Environmental Protection Agency's National Enforcement Investigation Center ("NEIC") of the Wood River Refinery located in Roxana, Illinois.
2. Any and all documents relating to any actions taken by the United States Environmental Protection Agency as a result of any investigation or monitoring conducted by NEIC at the Wood River Refinery in Roxana, Illinois.
3. Any and all documents relating to Shell Oil Company's fugitive emissions leak detection program, including any document received from, or sent to, Shell Oil Company regarding Shell Oil Company's leak detection and repair program relating to actions taken by Shell Oil Company at its Wood River Refinery located in Roxana, Illinois to comply with the Clean Air Act's Leak Detection and Repair Rule ("LDAR") to control fugitive emission leaks. See e.g. 40 C.F.R. Part 60.
4. The site name and physical location at which any technological controls or devices used to measure fugitive air emissions from the Wood River Refinery was or is being used. The date(s) and frequency of use of any technological controls, devices, or measuring equipment used to capture fugitive air emissions measurements or collect data regarding fugitive air emissions at the Wood River Refinery.
5. Types of fugitive emissions sources or fugitive emissions points monitored at the Wood River Refinery (e.g. storage tanks, piping fugitive emissions, leaving valves, pipe fittings, leaking equipment, uncontained vents, flanges, coker area, including vacuum unit and coker water pond, final product tanks, crude feed tanks, delayed cokers, emissions from contaminated water sewers, etc.)
6. Measuring equipment used to collect fugitive emissions data.
7. Sniffing measurements using EPA Method 21 and Method 21 survey results for the Wood River Refinery.
8. Any all and known or anticipated limitations to the application of EPA Method 21 sniffing measurements at the Wood River Refinery used to measure fugitive air emissions.
9. Any use of Differential Absorption Light Detection and Ranging (DIAL) remote sensing technology at the Wood River Refinery, including the date ranges and results of the use of DIAL.

10. Any EPA data analysis for the Wood River Refinery indicative of erroneous fugitive air emissions measurements, including, but not limited to, unusual or unexpectedly broad measurement readings by a single device in a single location during a finite period of time.
11. Any critical analysis of EPA Method 21 for the detection of fugitive air emissions, including Volatile Organic Compounds, including benzene.
12. Any and all control measures instituted by EPA to ensure that neither the technological monitoring devices deployed at or near the Wood River Refinery nor the data received from these devices or controls, has been artificially tampered with or manipulated by any unauthorized third party prior to transmission to EPA.
13. Any consent decrees, administrative orders on consent, settlement agreements, or any pending or open Notices of Violation relating to the Wood River Refinery and entered into or issued to Shell Oil Company or ConocoPhillips related to fugitive air emissions or issued pursuant to the Clean Water Act pertaining to contaminated water sewers or sewer systems.
14. Any information provided to the United States House of Representatives' Minority Staff Special Investigations Division Committee on Government Reform with respect to preparation of the November 10, 1999 report titled "Oil Refineries Fail to Report Millions of Pounds of Harmful Emissions, which was prepared for Rep. Henry A. Waxman.
15. Any information from the EPA Toxic Release Inventory related to the Wood River Refinery, including any inventory related to releases of benzene at the Wood River Refinery.
16. Any and all documents relating to environmental monitoring in and around Roxana, Illinois for benzene or other industrial chemicals.
17. Any information that the EPA requires Shell Oil Company to produce in accordance with the Clean Air Act's Leak Detection and Repair program for control of fugitive emissions at the Wood River Refinery.
18. Produce EPA Enforcement Alert – EPA 300-N-99-014, including any information actually identifying the refineries, which are referenced in this alert only by letters (e.g. A, B, C., etc.)
19. Any correspondence by Shell Oil Company regarding how it intends to comply with laws, regulations or rules respecting fugitive air emissions.

20. EPA inspection reports from its inspection of the Wood River Refinery with respect to inspection of fugitive emissions.


Please supply the requested records without informing me of the cost if the fees do not exceed two hundred and fifty dollars and no cents (\$250.00), which I agree to pay. If the fees will exceed \$250.00, please inform me of the fee amount prior to processing my request. Please provide the requested records in electronic format, if possible.

Your response is required within twenty (20) working days. If any document is not provided, please describe the document and the FOIA exemption that you believe applies.

Please call me if you have any questions as to specificity which may ease your review and search for the requested information. Thank you for your assistance.

Very truly yours,

THE DYSART LAW FIRM, P.C.



Christopher W. Dysart

CWD/smb